

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANNIKEN PROSSER,

Plaintiff,

v.

Case No. 20-cv-194

ALEX AZAR, in his capacity as Secretary
of the United States Department of Health
and Human Services,

Defendant.

**PLAINTIFF'S MOTION TO DISMISS CLAIMS WITH PREJUDICE
TO FACILITATE APPELLATE REVIEW**

As discussed during the conference held on October 7, 2020, Mrs. Prosser appreciates this Court's consideration of her motions and the issue of collateral estoppel. Nevertheless, Mrs. Prosser believes that the course of action that best protects her interests is to seek appeal of this Court's decisions denying her motion for summary judgment based on collateral estoppel, granting the Secretary's motion regarding the same as to all of Mrs. Prosser's claims and her request for declaratory judgment (*see* Dkt. #21), and denying Mrs. Prosser's motion for reconsideration and/or certification under 28 U.S.C. § 1292 (*see* Dkt. #29).

Accordingly, Mrs. Prosser respectfully moves, pursuant to Federal Rule of Civil Procedure 41(a)(2), to dismiss with prejudice all of the remaining theories of liability supporting her causes of action and for entry of final judgment on her causes of action based on the Court's ruling as to collateral estoppel, so that Mrs. Prosser may appeal this matter to the Seventh Circuit Court of Appeals without delay.

Dated: October 13, 2020

Respectfully submitted,
PARRISH LAW OFFICES
Attorneys for Plaintiff
By: James C. Pistorino
788 Washington Road
Pittsburgh, PA 15228
Telephone: (412) 561-6250
james@dparrishlaw.com

DAVIS & PLEDL, SC
Attorneys for Plaintiff

/s/ Robert Theine Pledl

By: Robert Theine Pledl
By: Victoria Davis Davila
1433 N. Water Street – Suite 400
Milwaukee, WI 53202
Telephone: (414) 488-1354
rtp@davisandpled.com
vldd@davisandpled.com